



The Task Force on Court Facilities
455 Golden Gate Avenue, San Francisco, CA 94102-3660

Meeting Report

September 8 & 9, 1999

Native Sons of the Golden West Hall, Murphys, CA

ATTENDEES: TASK FORCE MEMBERS: PRESENT: Hon. Daniel J. Kremer, Chair Mr. Greg Abel Mr. Wylie Aitken Mr. John Clarke Mr. Mike Courtney Sheriff Robert T. Doyle Hon. Gary Freeman Mr. David Janssen Mr. Fred Klass Hon. Michael Nail Hon. Wayne Peterson Mr. Anthony Tyrrell Hon. Diane Elan Wick ABSENT: Hon. Joan B. Bechtel Ms. Yvonne Campos Mr. Hector De La Torre Hon. Jerry Eaves Hon. Charles V. Smith TASK FORCE STAFF: Mr. Robert Lloyd, Project Coordinator / Senior Facilities Planner Ms. Pat Bonderud, Facilities Planner Ms. Veronica Gomez, Facilities Planner	PRESENTERS: Mr. Jeff Buck, Daniel, Mann, Johnson, & Medenhall Ms. Kathleen Halaszynski, Daniel, Mann, Johnson, & Medenhall Mr. Simon Park, Daniel, Mann, Johnson, & Medenhall Mr. Jay Smith, Daniel, Mann, Johnson, & Medenhall Mr. Tim Fedorchak, Daniel C. Smith & Associates/Vitetta Group Mr. Cliff Woodard, Justice Planning Associates Mr. Michael Yerly, 6 th District Court of Appeal Mr. Brent Harrington, County Administrative Officer, Calaveras County Hon. Douglas Mewhinney, Presiding Judge, Superior Court, Calaveras County CONSULTANTS TO THE TASK FORCE: Mr. Dan Smith, Daniel C. Smith & Associates/Vitetta Group Ms. Kathy Bruns, Daniel C. Smith & Associates/Vitetta Group GUESTS: Mr. Michael Yerly, 6 th District Court of Appeal Mr. John Van Whervin, Los Angeles Superior Court Ms. Beverly Bickel, Omni-Group Inc. Mr. Gary Raley, Superior Court, Riverside County Ms. Catherine Knighten, Orange County Hon. Nazario Gonzales, Judicial Council's Access & Fairness Advisory Committee Ms. Kay Frauenholtz, Executive Officer, Superior Court, Calaveras County Mr. Jack Miller, County of San Diego
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I. INTRODUCTION AND WELCOME – Justice Daniel Kremer

- 1) Justice Kremer opened the Task Force meeting at 10:00 AM.
- 2) The Task Force reviewed and unanimously approved the meeting reports from task force meeting #7 (May 26 & 27, 1999) and meeting #7a (June 16, 1999).

- 3) A motion was made to approve the proposed Interim Report No. 1, "Preliminary Determination: Trial Court Facilities Guidelines" (dated October 1, 1999), as written. The motion was seconded and unanimously approved by the Task Force.
- 4) Justice Kremer proposed that, in addition to the Governor, Legislature, and Judicial Council, the following organizations or persons be sent the Interim Report:
 - Admin. Office of Courts (5 copies)
 - Department of General Services (5 copies)
 - Department of Finance (5 copies)
 - Presiding Justices (58 copies)
 - Court Executive Officers (58 copies)
 - County Administrative Officers (58 copies)
 - Chair, Boards of Supervisors (58 copies)
 - District Attorneys (58 copies)
 - Public Defenders (58 copies)
 - Chief Probation Officers (58 copies)
 - County Sheriffs/Marshals (58 copies)
 - State Bar Association (1 copy)
 - Law Library Association (1 copy)
 - League of California Cities (1 copy)
 - Sheriffs' Association (1 copy)
 - Court Reporters' Association (1 copy)
 - American Institute of Architects (1 copy)
 - National Center for State Courts (1 copy)

Members added county bar associations and the California State Association of Counties (CSAC) to the distribution list.

The First Interim Report will be mailed to the Governor, Legislature, and Judicial Council so that they are received on or before October 1, 1999. Copies sent to other organizations and people will be mailed approximately one week later. The cover letter will invite review and submission of comments to the task force by November 15, 1999.

II. PHASE 3 PRESENTATION – Mr. Cliff Woodard

- 1) Mr. Woodard, Justice Planning Associates (JPA), presented an overview of the countywide space forecasts. Phase 3 Interim Report – California Court Facility Study, Volume I, dated August 1, 1999 was distributed and reviewed. Volume I contains the executive summary, statewide projections, Courts of Appeal projections and examples of county projections. Volume II, County Projections (Alameda through Plumas Counties), and Volume III, County Projections and Appendices (Riverside through Yuba Counties), both dated August 1, 1999, were made available for review. JPA has not yet examined the appellate courts by district but will before the next task force meeting.
- 2) In developing individual county forecasts, JPA used 18 years of historical caseload and staffing data and predicted future caseload, judges, and staff by applying many different statistical forecasting tools to the historical data. Statistical tools were selected based upon the type of historical trends noted. Mr. Woodard stated that the large volume of traffic cases tended to obscure criminal and civil case data so traffic was isolated and presented separately. Historical and predicted growth were different for each county and no consistent similarities were identified. He also noted that case dispositions by judge varied widely among the counties.
- 3) In addition to statistical forecasts based solely on historical data, JPA tried to reflect the potential impact of court unification through its policy-influenced projections. Since there is no historical data, JPA assumed that the ex-municipal court judges would increase the number of cases disposed of per year (efficiency) as a result of unification. As a result, the need for visiting judges is minimized. This results in a smaller forecasted number of judges over the next five to twenty years.

- 4) Judge Nail noted that some courts dispose of a high volume of cases, but may not do it as well as they should. Some overloaded courts are factories that don't give enough attention to each case. Mr. Woodard noted that, by using historical data, both a court's operational efficiencies and inefficiencies are inherently included in the caseload, judgeship and staffing forecasts. Mr. Klass stated that the task force needs to explain court's inefficiencies in handling their caseloads
- 5) Justice Kremer noted that AB 233 requires the task force to document administrative and operational changes which can reduce or mitigate the need for added court or justice system facilities. To do this, the task force must examine how court operations affect space and vice versa. This may include looking at how efficiently courts handle their caseloads. The more efficiently a court handles its cases the fewer courtrooms are needed. Justice Kremer noted that inertia in large organizations tends to perpetuate inefficiencies. Supervisor Freeman noted that small counties sometimes join together in consortiums for various programs when they are too small to handle the programs individually.
- 6) The need to establish a committee or working group to look more closely at identifying administrative or operational changes that might mitigate space needs was discussed. It was noted that this is currently part of the Projections and Needs Committee's charge and that the committee, working with Mr. Cupples, has done some initial work brainstorming the issue. Much more work, however, remains to be done. Mr. Abel suggested that a strategy for addressing this issue, in detail, be presented at the December task force meeting.

III. PUBLIC COMMENT PERIOD

- 1) Judge Nazario Gonzales of the Judicial Council's Access & Fairness Advisory Committee expressed the committee's interest in the Trial Court Facilities Guidelines. He thanked the task force for addressing ADA issues in the guidelines and offered his committee as a resource for the task force. He reminded the task force to consider hearing impaired judges.

IV. LUNCH PRESENTATION - Mr. Brent Harrington & Hon. Douglas Mewhinney

- 1) Mr. Harrington, County Administrative Officer, Calaveras County and Judge Mewhinney, Presiding Judge, Superior Court, Calaveras County presented a history of the county and overview of their court facilities. The county has outgrown the existing 11,000 square foot, two-courtroom courthouse, built in 1962. The courthouse also has a number of problems including:
 - No space for newly authorized positions
 - No jury assembly room, jurors wait in the courtroom and hallways.
 - Perimeter security can't be implemented; weapons screening is done only in front of the courtroom.
 - The building lacks three separate circulation systems, making internal security difficult.
 - No family law facilities.
- 2) A new 47,000 square foot courthouse is currently in the planning process and construction could start in approximately one year. The three-courtroom facility is located near the jail and is designed to meet the court's needs through 2010. The project cost is estimated at \$9 to \$10 million. Over the past ten years, the county has raised \$2.6 million for this project from the courthouse construction fund and trial court funding. SB 600 is very important to their project. Without SB 600, the county is concerned that they will invest scarce county resources in a facility that the state would fund in the future. The county is also concerned that the task force may recommend changes to the courthouse construction fund that would impact their ability to pay the debt service on construction bonds.
- 2) The task force will tour the existing court facility this evening.

V. PHASE 4 PILOT SURVEY REPORTS – Mr. Jay Smith

- 1) Mr. Jay Smith introduced the following reviews of the pilot field evaluations of courthouses. He explained that the pilot surveys comprise 4% of California court facilities. He anticipates that 15% more of the surveys will be completed during the next three months. He said that each county would review the countywide plans for the pilots by December.

- 2) Section S1: Facility/Site Information and floor plans for all or part of the following five counties' court facilities were distributed. The evaluation team leader for each county presented their findings as follows:

a) San Mateo – Ms. Kathleen Halaszynski

- (1) San Mateo County is directly south of San Francisco. While the county is heavily populated along the Highway 101 corridor, it's coastal and mountain areas are rural and sparsely populated. The court facilities are located at five different sites along the Highway 101 corridor:
- Hall of Justice (HOJ) - Redwood City: HOJ is a large facility that is shared by the court, the Board of Supervisors and several court related functions such as the District Attorney. HOJ contains twenty-three courtrooms. The county jail and library are across the street. The mixed use of the facility adds to circulation and security problems.
 - Traffic / Small Claims Annex - Redwood City: The court annex is approximately 10,000 square feet, housing traffic and small claims courts.
 - Central Branch - San Mateo: This small, three-courtroom facility is located in a residential neighborhood. Although there is little room for horizontal expansion on the site, the building was designed to accommodate a future second floor. Parking capacity is limited. Only one of the three courtrooms is currently used; serving as a traffic court.
 - Northern Branch - South San Francisco: This facility is composed of three buildings on a large site that will accommodate expansion. Two of the buildings are connected to each other. These two buildings contain six courtrooms. The third building is a jail annex with a courtroom on the first floor, originally designed for arraignments. The jail annex is rarely used because of its high operating costs, consequently, the courtroom is now used for family law.
 - Juvenile Branch – Belmont: This court facility is located near the Juvenile Detention Center and connected to it by a screened-in breezeway. The two nonjury courtrooms are small with only one having in-custody holding. The building requires high maintenance. There are significant security problems. The parking lot provides adequate space for expansion on the site.
- (2) San Mateo does not have a current county courts facility capital plan. Facilities are, generally, well maintained but may require major systems replacements or upgrades in the foreseeable future due to the age of the facilities.
- (3) San Mateo judges, typically, handle a mixed civil and criminal calendar. One of the most significant problems is that the county does not have enough courtrooms with secure circulation and holding for in-custody defendants. The court cannot provide in-custody capable courtrooms for two vacant judicial positions when they are filled.

a) Southeast Municipal Court – Los Angeles County – Mr. Simon Park

The evaluation team visited the Southeast Municipal Court but no other court facilities in Los Angeles County. Southeast Municipal has two court facilities. One is located in Huntington Park and the other in Southgate, approximately three miles apart. The Huntington Park courthouse has inadequate jury assembly space and one courtroom that is significantly undersized. It also has problems handling the large number of visitors it receives daily.

b) Riverside County– Mr. Ken Jandura

The consultant team evaluated three court facilities located in the City of Riverside. The remaining county court facilities will be evaluated within the next three months. The three facilities are located near each other in downtown Riverside's Justice Center.

- Riverside Courthouse is a historic beaux-arts building that was recently restored and seismically upgraded.
- Built in 1991, the Hall of Justice is adjacent to the County Courthouse and near the county jail.
- Family Law, which was opened in 1998, is directly across the street from the Hall of Justice

With the opening of the Family Law Court and the renovation of the County Courthouse the county and court have addressed the major court facility problems in the City of Riverside. The facilities generally function well and are in good repair.

c) Calaveras County – Mr. Tim Fedorchak

Calaveras' County's main courthouse is located on a 53 acre site with other county facilities. There is an older, historic courthouse whose courtroom is occasionally used. No other court functions are done at the older courthouse. The main courthouse has 2 courtrooms. One courtroom is 651 square feet. Court security is a major problem with the courthouse's single, shared circulation system, making significant improvements in security almost impossible. The clerk's office is also overcrowded. The county law library is in the basement of the building.

d) Yolo County – Mr. Tim Fedorchak

Yolo County has one courthouse, a beautiful, historic eight-courtroom building constructed in 1917. It has been remodeled over the years in bits and pieces. The clerk's office is physically fragmented with personnel assigned to each judge. A few courtrooms have holding cells adjacent. The main holding facility is located in the old jail across the street, so in-custody defendants are brought to the old jail from the county jail, then walked across the street, through the public corridors of the courthouse and into the courtrooms. There are no private or in-custody circulation systems only a single public circulation corridor. While a minimal amount of parking is provided for jurors, parking is inadequate during peak hours.

A traffic and small claims court is located in rental space a few blocks away. This facility is inadequate and the court would like to relocate.

DMJM recommends building a new facility for criminal trials and conducting civil cases in the existing historic courthouse. Yolo County is developing a master plan.

- 3) Mr. Smith presented an evaluation chart that summarized some of the key criteria used in evaluating court facilities. Judge Petersen and Mr. Abel are concerned that the evaluation chart is too brief, doesn't cover some critical elements and would give a false rating of a facility's condition. They suggested that it should show circulation, in-custody holding, security and general building support ratings. Mr. Smith noted that the evaluation chart was only a summary of thousands of pieces of data that are reviewed for each court facility and could easily incorporate the suggested elements.
- 4) Mr. Smith indicated that the consultant team has not yet completed its planning recommendations for the pilot counties that were evaluated. As part of the planning process, DMJM will identify options on how to best utilize existing facilities, renovate them and develop new facilities to meet current and future court space needs. The planning options would identify the general scope and recommended location for specific building projects. The team does not plan to develop schematic designs illustrating their recommendations.
 - a) Mr. Klass expressed concern about the consultant team's ability to develop prioritized facility-planning recommendations for each county based on the cursory information DMJM has collected. He doesn't think the Task Force is required to make such recommendations AB 233 nor does he think that it is needed for the task force to carry out its responsibilities. He also doesn't think the task force has enough time to complete facility-planning recommendations for each county. Mr. Smith stated that the evaluation process would produce enough information to make sound facility planning recommendations and that there is adequate time to produce the plans based upon the task force's current project schedule.
 - b) While noting that prioritizing a county's court facilities needs may not be necessary, Mr. Lloyd stated that he believed the task force should make specific planning recommendations in order to develop realistic cost models of the county's court facility needs. Mr. Lloyd also stated that such plans would likely be needed to determine transition recommendations should court facility ownership change. He emphasized that capital investment plans are vital to ensuring that the state has adequate and sufficient facilities to support its court operations.

- c) Justice Kremer and Mr. Abel emphasized that the task force needed to see and evaluate sample capital facility plans, with options, in order to determine if they are necessary and appropriate to the task force's work. The task force must approve the evaluation and planning process before the consultant can proceed with evaluation and planning for the non-pilot counties.
- 5) Mr. Lloyd noted that there was a tremendous amount of work to be done before January 1, 2001, when the task force's second interim report is due. He stated that the task force needs to review its plan for completing the work and ensure that enough meetings are scheduled. He stated that the task force's plan for the review and approval of county court facilities evaluation reports and planning recommendations needs to be reviewed to ensure that the deadline for submission of the interim report will be met. He asked that these topics be addressed at the December 1999 task force meeting.

VI. PHASE 4 PILOT STUDY RESULTS: INVENTORY & EVALUATION – Mr. Jeff Buck

- 1) Sample Inventory and Evaluation Reports were distributed for pilot counties' facilities: Calaveras, Los Angeles (Southeast Municipal only), San Mateo, Riverside (County Courthouse, Hall of Justice, and Family Law only), and Yolo. Mr. Buck stated that, with some minor exceptions, the reports were generated by the inventory and evaluation computer model based upon information collected at the court facilities by the survey teams. He noted that the court facility inventory and evaluation database and computer model are still being refined.
- 2) Mr. Buck explained the definition of component gross, building gross and component net areas. Many of the task force members found these definitions confusing. DMJM will use the industry standard Building Owners & Manager's Association terminology (gross, core & shell and net) instead. Mr. Buck noted that elevators are included under public circulation. He also pointed out that mechanical space is included in the building systems review but not specifically evaluated as space.
- 6) DMJM will produce schematic floor plans of all county court facilities showing spatial components and space utilization. Drawings will be prepared with Computer Aided Drafting (CAD) and electronically archived. To facilitate this effort, DMJM, has requested drawings of existing court facilities from each county. Creating the schematic drawings is a significant work effort since there are no drawings for many of the court facilities and many of the existing ones are significantly out of date. Sample utilization drawings were distributed to the members for the pilot counties.
- 7) The physical evaluation of a court facility will be presented as a percentage rating that represents what is good about a building. For example, a facility with a rating of 80 % would indicate that the building is in good condition with only 20% needing repair or renovation.
- 8) Equivalent cost is the replacement cost of a building's primary systems for a similar facility. This cost covers core and shell construction, not the interior build-out. Demolition cost will be included when constructing a replacement building on the same site as the building being replaced. Cost models are also adjusted for quality of construction, difficult construction (e.g. constrained site) and unusual circumstances (e.g. historical restoration, hazardous materials). A professional court construction estimator provided the construction cost data. Mr. Courtney supports this methodology and helped explain it to task force members who felt it may be arbitrary.

VII. PHASE 4 PILOT STUDY RESULTS: COUNTYWIDE PLANS – Mr. Jay Smith

- 1) After evaluating existing court facilities, the planning team will compare the adequate space to current and future space needs, as developed by Justice Planning Associates, to quantify spatial shortfalls. The planning process will examine the existing court facility inventory, court operations and key county issues, in conjunction with the county's current/future court needs, to develop facility planning options with costs.
- 2) The planning options will be sent to county and court officials for review and comment. The county's/court's comments would then be considered in selecting one option that represents a likely development scenario. Selecting one plan helps define construction and renovation costs for meeting the county's court facilities needs. The county plans would be rolled-up into a statewide court facility capital plan.

- 3) The task force debated the necessity and wisdom of taking the planning process to a set of facility specific recommendations. Justice Kremer noted that the task force is obligated to make recommendations on the need for new or modified court facilities by AB 233. Justice Kremer suggested calling it a needs analysis instead of a facility capital plan. Mr. Klass was concerned that public criticism of a facilities capital plan could become an impediment to the legislature, judicial council, and governor supporting the task force's recommendations.
- 4) Mr. Lloyd emphasized that, to improve the state of court facilities, there must be a plan with identifiable goals and facilities. While the task force should try to build consensus with the counties and courts for the planning recommendations, it would be impossible to avoid all controversial issues.
- 5) Supervisor Freeman stated that the task force must recommend what it feels is in the best interest of the counties, courts and citizens and be willing to take heat for its recommendations. Mr. Klass disagreed, stating that the legislature will not want this level of detail. Judge Petersen also questioned if facility specific plans would be too much detail. Justice Kremer stated that, while the task force needs to propose options, they shouldn't be called a strategic plan.
- 6) Justice Kremer suggested that the level of specificity of court facility planning recommendations be discussed, and a decision made, after reviewing the completed San Mateo County plan. Mr. Abel and Mr. Jannsen concurred with Justice Kremer's suggestion. They asked that a complete presentation be made at the December 1999 task force meeting in Orange County, focusing on the recommendations for San Mateo County. San Mateo County's and Court's comments and concerns on the process and recommendations should also be included in the December presentation. The task force will then decide how far the facility planning process needs to go. The task force agreed with this approach. Mr. Smith, Mr. Buck and Ms. Halazynski agreed to complete and distribute the San Mateo County facility plan by October 15. Mr. Abel proposed an optional tour of the San Mateo court facilities on Wednesday, November 3rd and the members agreed.
- 7) The Task Force found no problems with DMJM's data collection and evaluation process but will hold formal approval until the December 1999 meeting when the planning process is examined in more detail.

IX. WORKING GROUP PRESENTATIONS

- 1) **Technology Working Group** – Because of an hour-long power outage and the length of earlier presentations, the Facility Guidelines for Technology in the Courthouse report was not presented. Task Force members were asked, instead, to review the report and provide comments and concerns to Mr. Lloyd by October 1, 1999. The proposed guidelines were included in Section 2 of the meeting binder.
- 2) **Appellate Court Working Group – Hon. Daniel Kremer and Mr. Michael Yerly**
Justice Kremer gave an overview of the appellate courts and how they differ from trial courts. He then introduced Michael Yerly who explained the development of the Guidelines and briefly presented them. These guidelines are also included in Section 2.
- 3) Justice Kremer requested that all Task Force members thoroughly review both the Facility Guidelines for Technology in the Courthouse and the Appellate Court Facilities Guidelines and send their comments to Mr. Lloyd by October 1st. To meet the scheduled submission date of January 1, 2000, both guidelines will be voted on at the December task force meeting.

X. CLOSING REMARKS

- 1) The meeting was adjourned at approximately 3:00 PM. The next task force meeting is scheduled for December 8 & 9, 1999 in Orange County.